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A bill to be entitled  
 An act relating to reemployment services; repealing s. 440.491, F.S., relating to reemployment of injured workers; repealing s. 1010.87, F.S., relating to the Workers' Compensation Administration Trust Fund within the Department of Education; terminating the trust fund and transferring the balance remaining in, and all revenues of, the terminated fund; requiring the Division of Vocational Rehabilitation within the Department of Education to pay any outstanding debts or obligations of the terminated fund; requiring the Chief Financial Officer to close out and remove the terminated fund from the various state accounting systems; amending ss. 287.057, 402.7305, 427.0135, 440.15, 440.33, and 440.50, F.S.; conforming cross-references; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 440.491, Florida Statutes, is repealed.

Section 2. Effective June 30, 2013, section 1010.87, Florida Statutes, is repealed.

Section 3. (1) The Workers' Compensation Administration Trust Fund, FLAIR number 48-2-795, within the Department of Education is terminated.

(2) The balance remaining in, and all revenues of, the trust fund shall be transferred to the Workers' Compensation

29 Administration Trust Fund within the Department of Financial  
 30 Services.

31 (3) The Division of Vocational Rehabilitation within the  
 32 Department of Education shall pay any outstanding debts or  
 33 obligations of the terminated trust fund as soon as practicable,  
 34 and the Chief Financial Officer shall close out and remove the  
 35 terminated trust fund from the various state accounting systems  
 36 using generally accepted accounting principles concerning  
 37 warrants outstanding, assets, and liabilities.

38 (4) This section shall take effect June 30, 2013.

39 Section 4. Paragraph (f) of subsection (3) of section  
 40 287.057, Florida Statutes, is amended to read:

41 287.057 Procurement of commodities or contractual  
 42 services.—

43 (3) When the purchase price of commodities or contractual  
 44 services exceeds the threshold amount provided in s. 287.017 for  
 45 CATEGORY TWO, no purchase of commodities or contractual services  
 46 may be made without receiving competitive sealed bids,  
 47 competitive sealed proposals, or competitive sealed replies  
 48 unless:

49 (f) The following contractual services and commodities are  
 50 not subject to the competitive-solicitation requirements of this  
 51 section:

52 1. Artistic services. For the purposes of this subsection,  
 53 the term "artistic services" does not include advertising or  
 54 typesetting. As used in this subparagraph, the term  
 55 "advertising" means the making of a representation in any form  
 56 in connection with a trade, business, craft, or profession in

57 | order to promote the supply of commodities or services by the  
58 | person promoting the commodities or contractual services.

59 |       2. Academic program reviews if the fee for such services  
60 | does not exceed \$50,000.

61 |       3. Lectures by individuals.

62 |       4. Legal services, including attorney, paralegal, expert  
63 | witness, appraisal, or mediator services.

64 |       5.a. Health services involving examination, diagnosis,  
65 | treatment, prevention, medical consultation, or administration.

66 |       b. Beginning January 1, 2011, health services, including,  
67 | but not limited to, substance abuse and mental health services,  
68 | involving examination, diagnosis, treatment, prevention, or  
69 | medical consultation, when such services are offered to eligible  
70 | individuals participating in a specific program that qualifies  
71 | multiple providers and uses a standard payment methodology.  
72 | Reimbursement of administrative costs for providers of services  
73 | purchased in this manner shall also be exempt. For purposes of  
74 | this sub-subparagraph, "providers" means health professionals,  
75 | health facilities, or organizations that deliver or arrange for  
76 | the delivery of health services.

77 |       6. Services provided to persons with mental or physical  
78 | disabilities by not-for-profit corporations which have obtained  
79 | exemptions under the provisions of s. 501(c)(3) of the United  
80 | States Internal Revenue Code or when such services are governed  
81 | by the provisions of Office of Management and Budget Circular A-  
82 | 122. However, in acquiring such services, the agency shall  
83 | consider the ability of the vendor, past performance,  
84 | willingness to meet time requirements, and price.

85 7. Medicaid services delivered to an eligible Medicaid  
86 recipient unless the agency is directed otherwise in law.

87 8. Family placement services.

88 9. Prevention services related to mental health, including  
89 drug abuse prevention programs, child abuse prevention programs,  
90 and shelters for runaways, operated by not-for-profit  
91 corporations. However, in acquiring such services, the agency  
92 shall consider the ability of the vendor, past performance,  
93 willingness to meet time requirements, and price.

94 ~~10. Training and education services provided to injured~~  
95 ~~employees pursuant to s. 440.491(6).~~

96 ~~10.11.~~ Contracts entered into pursuant to s. 337.11.

97 ~~11.12.~~ Services or commodities provided by governmental  
98 agencies.

99 Section 5. Paragraph (a) of subsection (2) of section  
100 402.7305, Florida Statutes, is amended to read:

101 402.7305 Department of Children and Family Services;  
102 procurement of contractual services; contract management.-

103 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.-

104 (a) Notwithstanding s. 287.057(3)(f)11. ~~287.057(3)(f)12.~~,  
105 whenever the department intends to contract with a public  
106 postsecondary institution to provide a service, the department  
107 must allow all public postsecondary institutions in this state  
108 that are accredited by the Southern Association of Colleges and  
109 Schools to bid on the contract. Thereafter, notwithstanding any  
110 other provision to the contrary, if a public postsecondary  
111 institution intends to subcontract for any service awarded in  
112 the contract, the subcontracted service must be procured by

113 competitive procedures.

114 Section 6. Subsection (3) of section 427.0135, Florida  
 115 Statutes, is amended to read:

116 427.0135 Purchasing agencies; duties and  
 117 responsibilities.—Each purchasing agency, in carrying out the  
 118 policies and procedures of the commission, shall:

119 (3) Not procure transportation disadvantaged services  
 120 without initially negotiating with the commission, as provided  
 121 in s. 287.057(3)(f)11. ~~287.057(3)(f)12.~~, or unless otherwise  
 122 authorized by statute. If the purchasing agency, after  
 123 consultation with the commission, determines that it cannot  
 124 reach mutually acceptable contract terms with the commission,  
 125 the purchasing agency may contract for the same transportation  
 126 services provided in a more cost-effective manner and of  
 127 comparable or higher quality and standards. The Medicaid agency  
 128 shall implement this subsection in a manner consistent with s.  
 129 409.908(18) and as otherwise limited or directed by the General  
 130 Appropriations Act.

131 Section 7. Paragraph (c) of subsection (2) of section  
 132 440.15, Florida Statutes, is amended to read:

133 440.15 Compensation for disability.—Compensation for  
 134 disability shall be paid to the employee, subject to the limits  
 135 provided in s. 440.12(2), as follows:

136 (2) TEMPORARY TOTAL DISABILITY.—

137 (c) Temporary total disability benefits paid pursuant to  
 138 this subsection shall include such period as may be reasonably  
 139 necessary for training in the use of artificial members and  
 140 appliances, ~~and shall include such period as the employee may be~~

141 ~~receiving training and education under a program pursuant to s.~~  
 142 ~~440.491.~~

143 Section 8. Subsection (3) of section 440.33, Florida  
 144 Statutes, is amended to read:

145 440.33 Powers of judges of compensation claims.—

146 ~~(3) Before adjudicating a claim for permanent total~~  
 147 ~~disability benefits, the judge of compensation claims may~~  
 148 ~~request an evaluation pursuant to s. 440.491(6) for the purpose~~  
 149 ~~of assisting the judge of compensation claims in the~~  
 150 ~~determination of whether there is a reasonable probability that,~~  
 151 ~~with appropriate training or education, the employee may be~~  
 152 ~~rehabilitated to the extent that such employee can achieve~~  
 153 ~~suitable gainful employment and whether it is in the best~~  
 154 ~~interest of the employee to undertake such training or~~  
 155 ~~education.~~

156 Section 9. Subsection (5) of section 440.50, Florida  
 157 Statutes, is amended to read:

158 440.50 Workers' Compensation Administration Trust Fund.—

159 (5) Funds appropriated by an operating appropriation or a  
 160 nonoperating transfer from the Workers' Compensation  
 161 Administration Trust Fund to ~~the Department of Education,~~ the  
 162 Agency for Health Care Administration, the Department of  
 163 Business and Professional Regulation, the Department of  
 164 Management Services, the First District Court of Appeal, and the  
 165 Justice Administrative Commission remaining unencumbered as of  
 166 June 30 or undisbursed as of September 30 each year shall revert  
 167 to the Workers' Compensation Administration Trust Fund.

PCB HEAS 12-02

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168 |           Section 10. Except as otherwise expressly provided in this  
169 | act and except for this section, which shall take effect upon  
170 | this act becoming a law, this act shall take effect July 1,  
171 | 2012.